

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA
Plaintiff

v.

JAVIER OSCAR BAEZ-PANIAGUA
Defendant

CRIMINAL NO. 05-413(ADC)

RECEIVED & FILED
06 MAY 17 PM 4:57
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

REPORT AND RECOMMENDATION

On this date defendant appeared before the undersigned to plea guilty to Count I of the indictment charging him with violating of 8 U.S.C. §§ 1326(a)(1) and (b)(2). Defendant was represented by AFPD Max Pérez Bouret, with whom is satisfied with his representation. The government, in turn, was represented by SAUSA Grace Duran. The parties duly executed a consent form permitting the undersigned to take defendant's plea, pursuant to a plea agreement.

Upon examining defendant throughout the proceeding, the undersigned finds him competent to enter a plea. Defendant was advised at the hearing of the maximum statutory penalties he faces, and that the Sentencing Guidelines are advisory in nature. He was further advised that the sentencing judge has the authority to sentence him within those parameters, at the Court's discretion. More so, once he is sentenced, defendant may not withdraw his plea simply because he is not satisfied with the sentence imposed upon him. The undersigned also advised defendant of the constitutional rights he waives by entering a guilty plea.

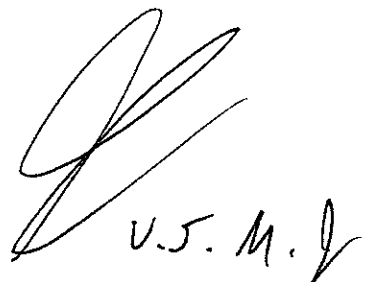
Upon inquiry by the Court, defendant accepted all the elements of the offense outlined in Count I of the indictment, as well as the fact that he acted knowingly, willfully and intentionally.

It is thus recommended by the undersigned that defendant's guilty plea be accepted, and sentence be imposed upon him accordingly.

This report and recommendation is issued pursuant to 28 U.S.C. § 636 and Local Rule 72(d).

SO RECOMMENDED.

In San Juan, Puerto Rico, this 17th of May, 2006



GUSTAVO A. GELPI
United States Magistrate-Judge